



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FEB - 1 2005

PAUL G. LUNN, ESQ. NASTECH PHARMACEUTICAL COMPANY
INC.
3450 MONTE VILLA PARKWAY
BOTHELL WA 98021-8906

In re Application of :
Steven C. Quay et al :
Serial No.: 10/814,399 : PETITION TO MAKE SPECIAL
Filed: March 31, 2004 :
Attorney Docket No.: 03-02CIP :

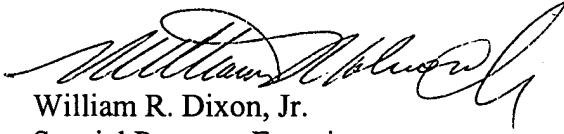
This is in response to applicants' petition filed January 10, to make the above-identified application special under the provisions of 37 CFR 1.102(d).

It is presumed that the petition is filed under Section VIII of M.P.E.P. 708.02. The section provides that an application may be made special if the following criteria are met:

- (A) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h);
- (B) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status. The election may be made by applicant at the time of filing the petition for special status. Should applicant fail to include an election with the original papers or petition and the Office determines that a requirement should be made, the established telephone restriction practice will be followed.
- (C) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. The pre-examination search must be directed to the invention as claimed in the application for which special status is requested. A search made by a foreign patent office satisfies this requirement if the claims in the corresponding foreign application are of the same or similar scope to the claims in the U.S. application for which special status is requested;
- (D) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and
- (E) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

Applicant's petition lacks items (C) and (E) above and thus fails to meet the provisions set forth in M.P.E.P. 708.02, VIII. Therefor the petition is **DISMISSED**.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at the general Office facsimile number, (571-273-8300).

A handwritten signature in cursive script, appearing to read "William R. Dixon, Jr.", written in dark ink.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600